

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CAROL S. MARCELLIN, individually, and as Co-Administrator of the Estate of Charles E. Hollowell, deceased, and JESSICA HOLLOWELL-McKAY, as Co-Administrator of the Estate of Charles E. Hollowell, deceased,

Plaintiffs,

v.

HP, INC., and STAPLES, INC.,

Defendants.

Civ. No. 1:21-cv-00704-JLS-HKS

STEPHEN G. SCHWARZ, ESQ., pursuant to 28 U.S.C. § 1746, makes the following declaration under penalty of perjury that the following statements are true and correct:

1. I am an attorney admitted to practice in the State of New York and in the Western District of New York and a partner in Faraci Lange, LLP, attorneys for Plaintiffs herein, and as such I am fully familiar with the facts and circumstances surrounding this action. I submit this declaration in opposition to Defendants' Motion for Summary Judgment and in support of Plaintiffs' Cross-Motion for Partial Summary Judgment and Plaintiffs' Cross-Motion to exclude the expert opinion testimony of Defendants' experts Horn and Myers, and to exclude portions of the expert opinion testimony of Galler.
2. The following Exhibits are true and accurate copies of documents relevant to these motions:
 - A. Allegany County Fire Investigation Team Report dated February 21, 2020;
 - B. FRT Photos taken February 27, 2020 of the battery internal contents found in the closet;

- C. HP expert Gorbett's photo of the battery internal contents taken on February 27, 2020;
- D. Expert Report of HP Expert Timothy Myers;
- E. Expert Report of HP Expert Quinn Horn;
- F. Expert Report of HP Expert Donald Galler;
- G. Donald Galler Deposition Transcript;
- H. Experimental study of thermal runaway, Yuan, et al., (2020);
- I. Texas Instruments Application Report, Battery Authentication and Security Schemes (2005);
- J. NFPA 921 Guide for Fire and Explosion Investigations (excerpts);
- K. Timothy Myers Deposition Transcript;
- L. Quinn Horn Deposition Transcript;
- M. Appendix H: Methodologies for Battery Failure Analysis, Horn, et al., marked as Ex. 10 from Horn depo;
- N. A Study of Thermal Runaway Mechanisms in Lithium-Ion Batteries, Sorensen, et al., (2024);
- O. Lee Atkinson Deposition Transcript;
- P. David Pipho Deposition Transcript;
- Q. HP Answers to Plaintiffs Third Set of Interrogatories.

All of the above is true and accurate and declared under penalty of perjury.

Dated: June 9, 2025
Rochester, New York

s/ Stephen G. Schwarz
Stephen G. Schwarz